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Of Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE KEOKI YAMAGUCHI,

Defendant.

Case No. 3:14-CR-00282-SI-2

UNOPPOSED MOTION FOR EARLY
TERMINATION OF PROBATION

Defendant, Kyle Keoki Yamaguchi, moves to terminate his probation pursuant to
18 U.S.C. § 3564(c):

“Early Termination.— The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.”

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On April 8, 2015, the Court entered a judgment of conviction and imposed a sentence of five years of probation as a result of Mr. Yamaguchi's guilty plea to one count of Conspiracy to Transport, Receive, and Sell Stolen Goods (18 USC 371, 2314, 2315). Mr. Yamaguchi's conditions of probation included compliance with the terms of his civil settlement with Nike, Inc and complete 50 hours of community service.

October 8, 2017 marked Mr. Yamaguchi's halfway point, he has now served over 30 months of his five-year probationary period. He has complied with all of the special and standard conditions of his probation, including compliance with his civil settlement and volunteer service in his community. Mr. Yamaguchi moved to Hawaii in September 2015, and his supervision was thereafter transferred to the District of Hawaii. He maintains a stable home in Maui with his wife and two children, ages 1 and 3. He has been fully compliant with the terms of his probation, and has been on the administrative caseload with the District of Hawaii for over one year.

Mr. Yamaguchi runs an eyewear company with his wife. Business operations require that they make international trips to source supplies and manufacturing resources. His status on probation has resulted in Mr. Yamaguchi's temporary detentions at airports upon reentry into the United States.

The factors set forth in 18 U.S.C. § 3553(a)(1) and (a)(2)(B), (a)(2)(C) and (a)(4) support an early termination of supervised release. Mr. Yamaguchi's conduct while on probation and the interest of justice warrant a termination of his supervised release at this time.

This motion is supported by the Declaration of Counsel filed simultaneously with this motion. Neither the United States Probation Office, nor the United States Attorney's Office, through AUSA Ryan Bounds, objects to this motion.

DATED this 19TH day of October, 2017.

HOEVET OLSON HOWES, PC

s/ Celia Howes
Celia Howes, OSB #033450
Of Attorneys for Defendant